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February 20, 2008

THIS TRANSMISSION CONSISTS OF TWO (2) PAGE(S)
VIA FACSIMILE (212) 805-0426

The Honorable Laura Taylor Swain
United States District Court
United States Courthouse
500 Pearl Street
New York, NY 10007
Attn: Sean

MEMORANDUM ENDORSED

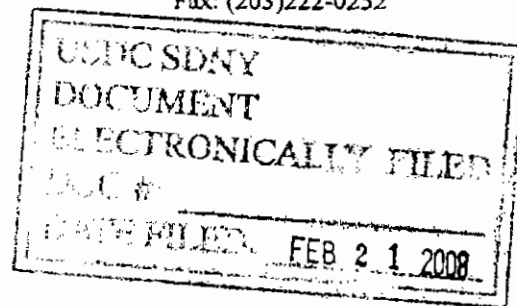
The ECF system provides notice of the entry of this Order to each party that has both entered an appearance in this case and registered with ECF. The ECF-registered attorneys are responsible for providing notice to any co-counsel whose e-mail addresses are not reflected on the ECF docket for this case, and Plaintiff's counsel, upon receiving notice of this Order, is hereby ordered to fax or otherwise deliver promptly a copy to all parties who are not represented by ECF-registered counsel. A certificate of such further service shall be filed within 5 days from the date hereof. Counsel who have not registered for ECF are ordered to register immediately as filing users in accordance with the Procedures for Electronic Case Filing.

Re: NYKLAURITZENCOOL AB v. KELSO
ENTERPRISES and PACIFIC FRUIT INC.
Docket No. 07 CV 3520 (LTS)(HBP)
Our File No. 12/3316

Honorable Madam:

We represent Plaintiff, NYKLAURITZENCOOL, in the above-referenced matter and write to request that the submission of the Pretrial Scheduling Order and Pretrial conference scheduled of February 22, 2008, at 3:00p.m. be adjourned *sine die* for the following reasons. We write without consent of defendant's counsel who is traveling and whom we have been unable to reach but, do not expect that counsel for the remaining defendant KELSO ENTERPRISES would object to this request.

Presently, the dispute between plaintiff and KELSO is the subject of an arbitration proceeding before the Society of Maritime Arbitrators and specifically before David W. Martowski, Esq., Mr. Joseph H. Winer and Mr. Anthony Siciliano. The Federal Court litigation continues to be necessary, however, as plaintiff continues to attempt to acquire pursuant to FRCP Rule B judgment security from KELSO. However, aside from the Rule B aspect the merits of the case as indicated are being submitted to the panel of arbitrators which has already received preliminary memoranda from each party. We are presently attempting to schedule hearing dates in the latter part of May 2008 and thereafter.



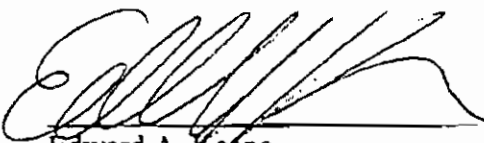
MAHONEY and KEANE

Accordingly, while the federal litigation remains of importance to the plaintiff we believe a conference or scheduling order is unnecessary given the submission of the underlying merits pursuant to an Arbitration Agreement between the parties to the aforementioned panel.

Respectfully submitted,

MAHONEY & KEANE LLP,

By:


Edward A. Keane


EAK/mtc

cc: VIA FAX (212) 267-5767

JOHN R. KEOUGH, III
WAESCHE SHEINBAUM & O'REAGAN, PC
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The request to adjourn the conference sine die is granted. This action is hereby placed on the court's suspense calendar. As of July 1, 2008, and each January 1 and July 1 thereafter, the parties shall make a written status report to the court regarding the arbitration, which report shall also indicate whether this action should be dismissed, continued on the suspense calendar, or restored to the active calendar.

SO ORDERED.

 2/21/2008
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE